

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicants:	Christian Koeniger	§	Art Unit:	2855
		§		
Serial No.:	10/520,960	§	Conf. No.:	4786
		§		
Filed:	February 3, 2006	§	Examiner:	Mirellys Jagan
		§		
Title:	Subsea And Landing	§	Docket No.	101.0005US/PCT
	String Distributed	§		(SHL.0308US)
	Temperature Sensor	§		
	System	§		

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

REASONS FOR REQUEST FOR PRE-APPEAL BRIEF REVIEW

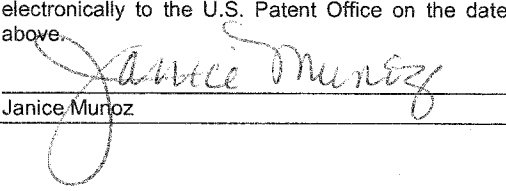
Dear Sir:

Applicant seeks pre-appeal brief review of § 103 rejections of claims 1-5, 8-10, 17, 28, 30, 31, 36, 57, 59 and 60, which have been finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Davidson in view of Smith.

To make a determination under 35 U.S.C. § 103, several basic factual inquiries must be performed, including determining the scope and content of the prior art, and ascertaining the differences between the prior art and the claims at issue. *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 U.S.P.Q. 459 (1965). Moreover, as the U.S. Supreme Court held, it is important to identify a reason that would have prompted a person of ordinary skill in the art to combine reference teachings in the manner that the claimed invention does. *KSR International Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1741, 82 U.S.P.Q.2d 1385 (2007).

Date of Deposit: March 9, 2010

I hereby certify that this correspondence is being transmitted electronically to the U.S. Patent Office on the date indicated above.

  
Janice Munoz

The system of claim 1 includes a line that extends along at least part of a length of a landing string and includes a distributed sensor system; and claim 1 recites that the landing string extends with an interval with a riser from a surface-located platform toward the ocean bottom, and the distributed sensor system is adapted to sense a parameter at various points along the interval.

In the § 103 rejection of claim 1, the Examiner concedes that Davidson fails to disclose the above-recited claim limitations and relies on Smith for the limitations. Final Office Action, p. 3. The Final Office Action states that Smith discloses a fiber optic line that extends above the sea bottom such that the line is adapted to sense a parameter of various points above the sea bottom. Final Office Action, p. 5. The Examiner appears to contend that this fiber optic line is labeled by the identifier "D" in Fig. 3 of Smith. Final Office Action, p. 5.

Applicant respectfully submits that Smith fails to disclose or render obvious a distributed sensor system that is adapted to sense a parameter at various points along an interval from a platform toward an ocean bottom. Fig. 3 of Smith merely refers to the relatively large diameter (labeled by "D" in Fig. 3) of the conduit 16. *See, for example*, Smith, 8:27-30. Smith explains that due to this relatively large diameter, tools may be easily pumped down the annulus of conduit 16. Smith, 8:30-34. Smith fails to address the optical fiber or apparently even illustrate it in Fig. 3.

Instead, Smith discloses the use of an optical fiber downhole in the wellbore beneath a wellhead 9. Smith discloses that the optical fiber 17 may be installed in its well as follows:

Optical fibers may be inserted in the alternative path conduit by connecting a pump to the provided port on the instrument pod 17. Silicon gel or another fluid can be pumped into the annulus of the alternative path conduit and fiber optic cabling is fed into the pumping silicon gel (or other fluid) which carries the line into the well bore due to the frictional force of the silicon (or other fluid) against the fiber optic line. Upon reaching total depth, the pumped fiber is fully deployed in the wellbore. Fluids that may be used for deployment include liquids such as water as well as gases, such as air or nitrogen.

Smith, 7:38-48. The skilled artisan in possession of Smith would not have been apprised, however, of an arrangement in which a distributed sensor system senses a parameter at various points along an interval between an ocean bottom and platform. Instead, the skilled artisan in possession of Smith would only have gleaned using an optical fiber downhole in the well beneath the sea floor.

Therefore, Smith fails to disclose at least the distributed temperature sensor system of claim 1; and the Examiner fails to set forth any plausible reason to explain why the skilled

artisan would have otherwise modified Smith or Davidson to incorporate a distributed temperature sensor that is adapted to sense a parameter at various points along an interval from a platform toward the ocean bottom. Therefore, the § 103 rejection of claim 1 is deficient, as the Final Office Action fails to explain, whether by evidence or reason, why the skilled artisan would have combined the elements of the prior art in the same manner that the claimed invention does, absent impermissible hindsight gleaned from the current application.

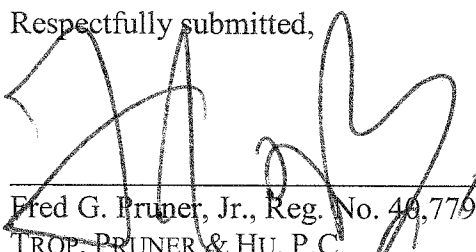
Thus, in view of the foregoing, Applicant respectfully submits that the § 103 rejection of claim 1 is deficient and should be withdrawn.

For similar reasons, Applicant respectfully submits that the § 103 rejection of claim 28 is deficient and should be withdrawn, as the Final Office Action fails to set forth any evidence or plausible reason to explain why the skilled artisan in possession of Davidson and Smith would have derived deploying a line along at least part of a length of a landing string, where the act of deploying includes deploying the line in an interval extending above the ocean bottom such that a distributed temperature sensor of the line is adapted to sense a parameter at various points along the ocean bottom, absent impermissible hindsight gleaned from the current application.

Dependent claims 2-5, 8-10, 17, 30, 31, 36, 57, 59 and 60 overcome the § 103 rejections for at least the same reasons as the claims from which they depend.

The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504 (SHL.0308US).

Respectfully submitted,



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